

**Notice of Intent to Review and Adjust a Child Support Obligation**

☐ Foster Care Recovery Unit  
☐ Child Support Recovery Unit  
Iowa Department of Human Services

Responsible Parent/Obligor: \_\_\_\_\_  
Parent/Caretaker: \_\_\_\_\_  
Third Party: \_\_\_\_\_  
Dependents: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Date Prepared: \_\_\_\_\_

Docket No. \_\_\_\_\_

CSC No. \_\_\_\_\_

This is a legal notice of intent to adjust the below child support order(s).<sup>1</sup> If you do not take action the order(s) may be adjusted without your participation. If you have a private attorney, advise your private attorney of the service of this notice.

The ☐ Foster Care ☐ Child Support Recovery Unit (the Unit) intends to review the child support order(s) to which you are subject and for which Iowa courts have authority to change the amount of support.<sup>2</sup> The purpose of the review is to decide if an adjustment in the current support order is appropriate.<sup>3</sup> An adjustment can be made if the Child Support Guidelines amount is more than 20% different from the amount currently set in the order<sup>4</sup> and/or health insurance coverage for the children is available at a reasonable cost to the parent ordered to pay support.<sup>5</sup>

This review and any resulting change in the order are limited to only those issues directly related to child and medical support.<sup>6</sup>

**Legal Authority** The Unit has the authority<sup>7</sup> to review and adjust support obligations, after determining the controlling order, if applicable. The Unit has personal jurisdiction over you.<sup>8</sup>

☐ The support order in this case was determined to be the controlling order by the State of \_\_\_\_\_, County of \_\_\_\_\_, Docket Number \_\_\_\_\_, by an order entered on \_\_\_\_\_, \_\_\_\_.

**Financial Statement** Enclosed is a financial statement with instructions. The Unit needs your financial information in order to determine the most accurate child support amount. Please complete and return the financial statement, along with income verification<sup>9</sup>, to the Unit listed in this notice *within 10 days* of the date you receive this notice. Indicate if there have been any changes during the past 3 months that may have caused your total net monthly income to increase or decrease. Also state if you expect this change to last at least 3 months more.

The options available to the Unit for determining parents' income are explained in the INSTRUCTIONS FOR COMPLETING THE FINANCIAL STATEMENT. If you do not provide information and verification of financial circumstances, your order will not be based on your actual income. The Unit will use information from other sources or estimated income<sup>10</sup> to figure the amount of support.

The Unit will review the information and decide if an adjustment is appropriate. If a modified order for medical or current support is entered, you will also be responsible for a proportionate share of uncovered medical expenses.

**Orders to be Reviewed** As part of the review process, the Unit determines which support order is the controlling order.<sup>11</sup> The Unit examines the controlling order's support amount and decides if an adjustment is appropriate or whether medical insurance should be ordered.

Only ongoing support orders, which appear in the chart below, will be considered. As of the date of this Notice of Intent, the parties have not disclosed, and the Unit is not aware of, any other ongoing support orders which affect the same obligor and the child(ren) named in this Notice. It is very important that you tell the Unit about any other ongoing support orders, before this review process continues.

Important: Immediately contact the Unit<sup>12</sup> or a private attorney<sup>13</sup>, if:

1. You know or believe there may be another ongoing support order that is not listed in the table below, but which affects the obligor and the child(ren) listed in this Notice; or
2. You believe another person has received support from the obligor on behalf of the child(ren) named in this Notice.

If you know of other orders, but do not tell the Unit about them, in the future you may not be able to challenge the order determined to be controlling.

Once a controlling order is established, ongoing obligations for other orders that were considered are no longer enforceable. However, the arrears under those orders are still due and enforceable.<sup>14</sup>

☐ The Unit intends to review the following ongoing support order:<sup>15</sup>

Issuing State	Issuing County	Docket Number	Effective Date	Support Amount
_____	_____	_____	_____	\$ _____ per _____

☐ The Unit intends to review the following ongoing support orders to identify which order(s) is/are controlling<sup>16</sup>:

Issuing State	Issuing County	Docket Number	Effective Date	Support Amount
_____	_____	_____	_____	\$ _____ per _____
_____	_____	_____	_____	\$ _____ per _____
_____	_____	_____	_____	\$ _____ per _____
_____	_____	_____	_____	\$ _____ per _____
_____	_____	_____	_____	\$ _____ per _____

☐ The children affected by the ongoing support order(s) are:

Affected Child's Name	Date of Birth	State of Residence <sup>17</sup>	Period of Residence	Child's Home State <sup>18</sup>	Child Currently Residing with:
_____	_____	—	through _____	—	_____
_____	_____	—	through _____	—	_____
_____	_____	—	through _____	—	_____
_____	_____	—	through _____	—	_____
_____	_____	—	through _____	—	_____

☐ The child affected by the ongoing support order is:

Affected Child's Name	Date of Birth	State of Residence <sup>19</sup>	Period of Residence	Child's Home State <sup>20</sup>	Child Currently Residing with:
_____	_____	—	through _____	—	_____

☐ The child affected by the ongoing support order is:

Affected Child's Name	Date of Birth	Child Currently Residing with:
_____	_____	_____

☐ The children affected by the ongoing support order(s) are:

Affected Child's Name	Date of Birth	Child Currently Residing with:
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

**What Happens Next** Once the Unit decides whether there is a controlling order, the Unit does one of the following:

- Ends the review and adjustment process if Iowa cannot assume continuing, exclusive jurisdiction over an order which adjusts the controlling order's support obligation. At the request of a necessary party, the Unit refers the review and adjustment request to another state that may be able to complete a review and, if appropriate, adjust the controlling order.
- Ends the review and adjustment process if there is no controlling order. If the Unit has personal jurisdiction over the parties, the Unit establishes a new support obligation. If the Unit does not have personal jurisdiction, and at the request of a necessary party, the Unit refers the request to a state that may have jurisdiction over the parties.
- Continues the review if Iowa could assume continuing, exclusive jurisdiction over an order which adjusts the controlling order's support obligation. If necessary, the Unit registers a controlling order entered by another state. The Unit examines both parents' financial information and decides whether an adjustment to the controlling order's support amount is appropriate.

After finishing the review, the Unit mails a Notice of Decision, including a worksheet showing how the adjusted amount of support was calculated. The Unit sends the notice to the last known addresses of the persons subject to the order, or their attorneys. If there is not a timely challenge to the Notice of Decision, the Unit completes the review and adjustment process.

**Right to Challenge** After a Notice of Decision is issued, each person subject to the order has the right to challenge it by *requesting a second review within 10 days or requesting a court hearing within 30 days*. Returning a completed financial statement and proof of income IS NOT a request for a challenge or a court hearing. **To ask for a second review, send a written request to the Unit** listed in this notice with relevant information not previously considered.

If the Unit receives a timely request for a second review, the Unit sends a notice to all persons subject to the order that it plans to conduct a second review.<sup>21</sup> After the second review, the Unit mails a Second Notice of Decision.<sup>22</sup>

If you are dissatisfied with the result of the Second Notice of Decision, you may **send a written request for a court hearing to the Unit** listed on the Second Notice. Include your objections. When the Unit receives your written request, it will schedule a hearing.

You must ask for a court hearing by *the latest of the following dates*:

- **Within 30 days** from the date of the Notice of Decision or the Revised Notice of Decision; or
- **Within 10 days** from the date of the Second Notice of Decision.

The court will set the hearing date and notify the Unit and all persons subject to the order of the time and place. If you fail to appear at the hearing, the court may find you in default and enter an appropriate adjustment order.

**If a request for a court hearing is not received within these time limits, the Unit will adjust the order as stated in this notice.** If the Unit is providing enforcement services, your property will be subject to collection action including, but not limited to, income withholding, garnishment, attachment of a lien, execution of a lien, income tax setoff, levy of accounts at financial institutions and any other collection action allowed by law. It is your responsibility to notify the Unit of any change in your address, employment or medical coverage.

If you have any questions, visit or telephone the Unit or talk to a private attorney.

**Waiver of Rights** You may waive your rights and the time limits allowed to request a second review and a court hearing. If you wish to waive these rights, contact the Unit. Your signature on the waiver acknowledges service of this notice and that you have waived your rights and time limits for requesting a challenge and court hearing.

☐ **FCRU** ☐ **CSRU Attorneys** The Unit employs or contracts with attorneys to provide legal services for establishment and enforcement of support. Under state law, the Unit's attorney represents the interests of the state in all legal proceedings. The only attorney-client relationship is between the attorney and the state. The Unit's attorney does not represent any of the persons subject to the order in this process.

☐ Foster Care Recovery Unit ☐ \_\_\_\_\_  
400 SW 8th Street, Suite Q \_\_\_\_\_  
Des Moines, IA 50309-4692 \_\_\_\_\_

Telephone: \_\_\_\_\_

Copy to:

_____	_____
_____	_____
_____	_____
_____	_____
<input type="checkbox"/>	_____
_____	
_____	
_____	
_____	

<sup>1</sup> The review was based on a request submitted ☐ by \_\_\_\_\_. ☐ at the initiative of the Unit.

<sup>2</sup> The authority is defined in 28 USC 1738B, chapter 252K, if applicable and 441 IAC 95.98,99.

<sup>3</sup> The adjustment of the obligations will be set in accordance with the Child Support Guidelines under sections 598.21(4) and 252B.7A.

<sup>4</sup> The Unit will adjust if the current support amount varies by more than 20% from the new amount calculated using the child support guidelines. This difference must be due to financial conditions that have lasted for at least 3 months and are expected to last for an additional 3 months.

<sup>5</sup> The parent ordered to pay support has health insurance to cover the children available at a reasonable cost, and the children are not otherwise adequately covered by the custodial parent. Benefits provided to the child(ren) by the Medicaid program do not fulfill the health plan requirement.

<sup>6</sup> Other issues such as custody and visitation will not be considered in this review and adjustment process.

<sup>7</sup> Pursuant to Iowa Code chapters 252B and 252H.

<sup>8</sup> The obligor's state of residence at the time the Unit issued the Notice of Intent was \_\_\_\_\_. The Unit has personal jurisdiction over the obligor because the obligor ☐ resides in Iowa. ☐ requested this review and waives any contest to personal jurisdiction. ☐ is a party to the Iowa order(s) that has been reviewed.

The obligee's state of residence at the time the Unit issued the Notice of Intent was \_\_\_\_\_. The Unit has personal jurisdiction over the obligee because the obligee ☐ resides in Iowa. ☐ requested this review and waives any contest to personal jurisdiction. ☐ is a party to the Iowa order(s) that has been reviewed.

The necessary third party's state of residence at the time the Unit issued the Notice of Intent was \_\_\_\_\_. The Unit has personal jurisdiction over the necessary third party ☐ resides in Iowa. ☐ requested this review and waives any contest to personal jurisdiction. ☐ is a party to the Iowa order(s) that has been reviewed. The necessary third party may have an interest in the amount of support.

<sup>9</sup> As explained in the INSTRUCTIONS FOR COMPLETING THE FINANCIAL STATEMENT.

<sup>10</sup> Other sources, such as information from employers, other governmental agencies, or other similar sources. Income can be estimated by using the CSRU median income or occupational wage rate information.

<sup>11</sup> Pursuant to 28 USC section 1738B and Iowa Code Chapters 252K and 252H. Normally, there is only one controlling order per case. However, you will have more than one controlling order if your case contains more than one Iowa order and Iowa's orders are determined to control.

<sup>12</sup> Contact the Unit listed in this Notice of Intent.

<sup>13</sup> If you choose to have an attorney, it is at your own expense.

<sup>14</sup> See Iowa Code chapters 252H and 252K and 28 USC section 1738B. Payments on all support orders shall be credited according to Iowa Code section 252K.209.

<sup>15</sup> See section 598.21(9). Entry of an adjusted ongoing support order in Iowa will not violate 28 USC 1738B.

<sup>16</sup> See section 598.21(9). Entry of an adjusted ongoing support order in Iowa will not violate 28 USC 1738B.

<sup>17</sup> The child's current state of residence.

<sup>18</sup> The home state of the child is the state where the child lived for at least six consecutive months immediately preceding the time of filing of a petition or comparable pleading for support. If the child is less than six months old, the state in which the child has lived since birth is the child's home state.

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<sup>19</sup> The child's current state of residence.

<sup>20</sup> The home state of the child is the state where the child lived for at least six consecutive months immediately preceding the time of filing of a petition or comparable pleading for support. If the child is less than six months old, the state in which the child has lived since birth is the child's home state.

<sup>21</sup> This notice will be sent by regular mail to the last known address of each person, or if applicable, each person's attorney.

<sup>22</sup> The Second Notice of Decision will be sent by regular mail to the last known address of each person, or if applicable, each person's attorney.